

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:09-cr-116-05

v.

HONORABLE PAUL L. MALONEY

PHILIP LUTHER PARISH,

Defendant.

**MEMORANDUM OPINION AND ORDER**

Defendant Philip Luther Parish has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to drug quantity.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to drug quantity, and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10(c).

However, Amendment 782 provides Defendant no relief. Defendant's original guideline range was 100 to 125 months and he was sentenced to 108 months imprisonment. After application of Amendment 782, the applicable guideline range remains 100 to 125 months. In his response to the Sentence Modification Report, Defendant concedes that under Amendment

782 his guideline range remains the same. As the resulting guideline range has not been lowered by Amendment 782, the amendment is of no assistance to the defendant. Accordingly,

**IT IS HEREBY ORDERED** that Defendant Philip Luther Parish's motion modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (ECF No. 189) is **DENIED**.

Date: September 28, 2015

/s/ Paul L. Maloney

Paul L. Maloney  
United States District Judge